

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANTHONY MANGANIELLO,

Plaintiff,

CIVIL ACTION No.: 07 CV 3644 (HB)

- Against-

THE CITY OF NEW YORK, et. al.

Defendants  
-----X

**DECLARATION OF COUNSEL**

Pursuant to 28 USC §1746, I hereby declare, under penalty of perjury under the laws of the United States of that the following is true and correct.

1. My name is Michael H. Joseph.
2. I am an attorney duly licensed to practice law in the State of New York, and before the United States District Court for the Southern District of New York.
3. I represent the plaintiff in the above captioned matter, as such I am fully familiar with the facts and circumstances of this case.
4. I offer this Declaration in opposition to defendants' post trial motions.
5. For the reasons stated more fully in the annexed memorandum of law, defendants' motion should be denied on all grounds.
6. The facts are fully stated in the annexed Memorandum of Law and are based upon the exhibits attached hereto and the trial and grand jury transcripts attached to defendants' motion.
7. In support of Plaintiff's opposition, I attach true copies of the following documents hereto:

- Trial exhibit 36 is attached as Exhibit 1.

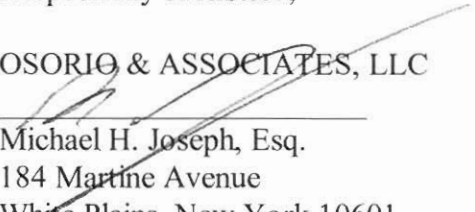
- Trial exhibit 6 is attached as Exhibit 2.
- Trial exhibit 33 is attached as Exhibit 3
- Trial exhibit 29 is attached as Exhibit 4.
- Trial exhibit 22 is attached as Exhibit 5.
- Trial exhibit 41 is attached as Exhibit 6.
- Trial exhibit 23 is attached as Exhibit 7.
- Trial Exhibit 4 is attached as Exhibit 8.
- Trial Exhibit 25 is attached as Exhibit 9.

7. In addition to the documents attached hereto, to avoid duplication of the transcript and burdening the Court unnecessarily with excessive paper, I will refer to the trial transcript attached to defendants' motion papers as exhibit A and the grand jury transcripts attached to defendants' motion papers as exhibit B.
8. For the reasons more fully set forth in Plaintiff's Memorandum of Law, defendants' post trial motions should be denied in their entirety.

Respectfully submitted,

OSORIO & ASSOCIATES, LLC

BY:

  
Michael H. Joseph, Esq.  
184 Martine Avenue  
White Plains, New York 10601  
(914) 761-3168

Dated: White Plains, New York  
August 4, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANTHONY MANGANIELLO,

Plaintiff,

CIVIL ACTION No.: 07 CV 3644 (HB)

- Against-

LUIS AGOSTINI, et. al.

Defendants  
-----X

**DECLARATION OF SERVICE**

Pursuant to 28 USC §1746, I hereby declare, under penalty of perjury under the laws of the United States of that the following is true and correct.

Deponent is not a party to the action, is over 18 years of age and resides at 184 Martine Ave., White Plains, N.Y. 10601. That on the 4<sup>th</sup> day of August, 2008, deponent served the within: Memorandum of Law and Declaration of Counsel with Exhibits upon:

Corporation Counsel  
100 Church Street  
New York, NY 10007

at the last known address designated by them for that purpose by depositing a true copy of same enclosed by federal express overnight service in a postpaid properly addressed wrapper .

  
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Michael H. Joseph, Esq.